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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,724	06/24/2003	Dave Anderson	60027.0198US01/BS# 030101	3321

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EXAMINER	
CROSS, ALAN	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/603,724	ANDERSON ET AL.	
	Examiner	Art Unit	
	Alan Cross	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/3/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

Claims 1-24 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/603403. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both disclose a voice control where an updated output is then provided to a user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-24 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/610266. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications disclose a voice control and input where the commands are interpreted and then updating the user from there commands.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-24 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/610045. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications disclose a voice control system where user inputs are voice commands and the user is then updated from the voice choices they made.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Game Commander 2 (released 2000) in view of Shoji (US Patent #6458033).

Regarding claim 1: Game Commander 2 teaches a method of providing gaming with automation using verbal communication comprising: receiving verbal instruction from the game player at the voice synthesis device in response to providing the verbal information(voice commands); applying the verbal instruction from the game player to

update the current game status (voice commands). Game Commander 2 lacks providing verbal information of a current game status to a game player from a voice synthesis device and providing verbal information of the updated current game status to the game player from the voice synthesis device. Shoji teaches providing verbal information of a current game status to a game player from a voice synthesis device and providing verbal information of the updated current game status to the game player from the voice synthesis device (col. 2, lines 28-42). It would have been obvious to one of ordinary skill in the art to modify Game Commander 2 to verbally update the user on current game status and the status since they had made a command. This would give a user a feeling of control and what is going on in the game. Game Commander 2 is capable of assigning audible feedback to your commands and the game to give enhance the gaming experience.

Regarding claim 2: Game Commander 2 teaches the method of claim 1, wherein applying the verbal instruction from the game player to update the current game status occurs at the voice synthesis device by applying speech recognition and natural language understanding (voice commands, voice training).

Regarding claim 3: Game Commander 2 teaches the method of claim 2, wherein the voice synthesis device is a personal device of the game player, the method further comprising periodically accessing a computer-implemented application over a communications network to update game data of the voice synthesis device (voice commands). Game Commander 2 can be run with a multiplayer online games and its commands update and control the game.

Regarding claim 4: Game Commander 2 the method of claim 1, wherein applying the verbal instruction from the game player to update the current game status occurs at a network-based computer-implemented application and wherein the voice synthesis device is a personal device of the game player and receives the verbal instruction directly from the game player (vocal commands, customizable audible feedback). Game Commander 2 lacks the verbal information directly to the game player. Shoji teaches conveying verbal information to the game player (col. 2, lines 28-42). It would have been obvious to one of ordinary skill in the art to modify Game Commander 2 to provide verbal information to the game player using the teaching of Shoji. Game Commander 2 teaches customizing audible feedback that responds to what is happening in the game. This would allow a user to feel more in control and have a enhanced gaming experience.

Regarding claim 5: Game Commander 2 teaches the method of claim 4, further comprising: receiving information data at the voice synthesis device from the network-based computer-implemented application over a data network; converting the information data into verbal information at the voice synthesis device; interpreting the verbal instruction from the game player to produce instruction data at the voice synthesis device; and transferring the instruction data to the network-based computer-implemented application from the voice synthesis device over the data network (voice commands).

Regarding claim 6: Game Commander 2 teaches the method of claim 1, wherein applying the verbal instruction from the game player to update the current game status

occurs at a network-based computer-implemented application and wherein the speech synthesis device is a voice services node that provides the verbal information and receives the verbal instruction over a voiced call with the game player. Game Commander 2 is used to control games with a voice command and it is well known to have games based online played by many players.

Regarding claim 7: Game Commander 2 teaches the method of claim 6, further comprising: receiving information data at the voice services node from the computer-implemented application; converting the information data into verbal information at the voice services node; interpreting the verbal instruction from the game player to produce instruction data at the voice services node; and transferring the instruction data to the network-based computer-implemented application from the voice services node. Game Commander 2 takes verbal commands and translates them into a computer command where it then transmits that data to the game so that the action would be applied to the game.

Regarding claim 8,16: Game Commander 2 teaches the method of claim 1, further comprising: receiving verbal instruction from the second game player at the voice synthesis device in response to providing the verbal information; applying the verbal instruction from the second game player to further update the current game status; and Game Commander 2 is used in multiplayer games where a second player could update the game using voice commands. Game Commander 2 lacks providing verbal information of a current game status to a second game player from the voice synthesis device; and providing verbal information of the updated current game status

to the second game player and to the game player from the voice synthesis device. Shoji teaches providing verbal information of a current game status to a second game player from a voice synthesis device and providing verbal information of the updated current game status to the second game player from the voice synthesis device (col. 2, lines 28-42). It would have been obvious to one of ordinary skill in the art to modify Game Commander 2 to provide verbal information on the current and updated game status to a second player using the teaching of Shoji. This would give a user a feeling of control and what is going on in the game. Game Commander 2 is capable of assigning audible feedback to your commands and the game to enhance the gaming experience.

Regarding claim 9: Game Commander 2 teaches the method of claim 8, comprising: providing the verbal instruction for the game player to the second game player: and providing the verbal instruction from the second game player to the game player. Game Commander works with voice chat programs where a user can send a command to a second user and vice versa.

Regarding claim 10,13,17: Game Commander 2 teaches a system for providing gaming with automation using verbal communication, comprising:, a personal voice synthesis device of a game player that receives verbal instruction directly from the game player in response to providing the verbal information, converts the verbal instruction to instruction data (voice commands); a first computer-implemented application portion performed by the personal voice synthesis device that applies the instruction data to update the current game status and that generates a request for

updates of game data (Game Commander 2); and a second network-based computer-implemented application portion performed remotely from the voice synthesis device that receives the request for updates of game data and that provides the updates of game data to the first computer-implemented application portion (Online game that Game Commander 2 is controlling). Game Commander 2 lacks that provides verbal information of a current game status directly to the game player and provides verbal information of an updated game status to the game player. Shoji teaches providing verbal information of a current game status directly to a game player from a voice synthesis device and providing verbal information of the updated current game status directly to the game player from the voice synthesis device (col. 2, lines 28-42). It would have been obvious to one of ordinary skill in the art to modify Game Commander 2 to provide verbal information on the current and updated game status directly to a game player using the teaching of Shoji. This would give a user a feeling of control and what is going on in the game. Game Commander 2 is capable of assigning audible feedback to your commands and the game to enhance the gaming experience. Each device used to communicate with online games would have there own IP address which would be the node, the game communicated with has an IP address which is also capable of being the node that receives the game data.

Regarding claim 11: Game Commander 2 teaches the system of claim 10, wherein the voice synthesis device periodically communicates over a communications network with the second network-based computer-implemented application portion to

obtain the updates to the game data. It is a inherent quality that online and multiplayer games would be used over a communication network.

Regarding claim 12: Game Commander 2 teaches the system of claim 10, wherein the personal voice synthesis device is a personal computer (System Requirements).

Regarding claim 14: Game Commander 2 teaches the system of claim 13, wherein the voice synthesis system comprises: a personal data device of the game player that receives and audibly produces the verbal information, receives the verbal instructions. Except for converting the verbal instructions into DSR parameterization data; and a voice services node that receives the information data from the application, converts the information data into the verbal information, receives the DSR parameterization data, and converts the DSR parameterization data into the instruction data. It is well known to use DSR parameterization data to convert voice commands into instruction data to lower the processing and data rate needed to convert and send commands. It would have been obvious to one of ordinary skill in the art at to modify Game Commander 2 with DSR to make converting verbal commands a easier task and to lessen the processor power needed to convert and send the commands.

Regarding claim 15: Game Commander 2 teaches the system of claim 13, wherein the voice synthesis system comprises: a personal computer of the game player that receives first voice-over-IP data, converts the first voice-over-IP data to the verbal information, receives the verbal instructions, and converts the verbal instructions into second voice-over-IP data; and a voice-over-IP exchange that receives the information

data and converts the information data into the first voice-over-IP data, and that receives the second voice-over-IP data and converts the second voice-over-IP data into the instruction data. Game Commander 2 is used for control of games and multiplayer games played over an internet connection. Any voice control, or communication between players using the push to talk feature is a voice-over-IP call.

Regarding claim 18: Game Commander 2 teaches the system of claim 17, further comprising a profile database containing profile data for the game player (online game), and wherein the network-based computer-implemented application accesses the profile data for the game player based on verification of the game player to configure the game being played. It is well known in the art for a user to have a profile that is accessed by the online game they are playing, this gives added security and differentiation between the users of the online game.

Regarding claim 19: Game Commander 2 teaches the system of claim 18, wherein the verbal instruction from the game player comprises profile information for configuring the game being played, wherein the voice services node converts the profile information into profile data included in the instruction data, and wherein the network-based computer-implemented application stores profile data in the profile database for subsequent use in configuring the game being played (Global commands, game templates)

Regarding claim 20: Game Commander 2 the system of claim 17, wherein the voice services node provides the verbal information of a current game status to a second player through the communications network over a second voiced call, receives

verbal instruction from the second player over the second voiced call, converts the verbal instruction of the second game player to instruction data, and provides the instruction data, and wherein the network-based computer-implemented application applies the instruction data to further update the game status. Game Commander 2 can be working with a online game where a number of players are controlling the game and communicating with each other.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Game Commander 2 and Shoji further in view of Microsoft Sidewinder Game Voice.

Regarding claim 21: Game Commander 2 teaches the system of claim 20, wherein the voice services node bridges the voiced call with the game player to the second voiced call with the second game player(works with voice chat programs). Game Commander works with chat programs such as Microsoft Sidewinder Game Voice where the program is the node that joins the two users to be able to communicate with each other.

Regarding claim 22: Game Commander 2 teaches the system of claim 21, wherein the voice services node bridges the voiced call with the game player to the second voiced call with the second game player except where that the game player can hear the second game player but the second game player cannot hear the first game player. Microsoft Sidewinder Game Voice teaches using channels where users can privately share strategy with certain users or with the whole plurality of users. It would have been obvious to one of ordinary skill in the art to use Game Commander 2 with

Microsoft Sidewinder Game Voice so that users could easily share strategy and commands while playing an online game.

Regarding claim 23: Game Commander 2 teaches the system of claim 17, wherein the voice services node provides the verbal information of a current game status to a second player through the communications network over the voiced call, receives verbal instruction from the second player over the voiced call, distinguishes the voice of the second game player from the voice of the first game player, converts the verbal instruction of the second game player to second instruction data, and provides the second instruction data, and wherein the network-based computer-implemented application applies the second instruction data to further update the game status. Game Commander 2 can be used with other chat programs that distinguish players from one another, the command data from Game Commander 2 can then be fed into the game where the game is updated by the data.

Regarding Claim 24: Game Commander 2 teaches the system of claim 17, wherein the network-based computer implemented application also provides visual information, in coordination with the verbal information provided from the voice services node, to a display device of the game player. Game Commander 2 is used in conjunction with a plurality of online games, voice commands input though the Game Commander 2 are then applied to the games on the screen. For instance if the command is lock missiles, the game then displays locking missiles. It is well known in the art to have visual information presented to a game player on a display that is updated displaying the actions they have made in the game.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sinclair et al. (US Pub # 2003/0171147) discloses interactive voice wireless game system, using a voice input and output system.

MIRASAKI et al. (US Pub #2001/0006909) discloses a speech-generating device used in a game to produce speech according to game progress.

Best (US Patent # 5393073) discloses a video game that has verbal output.

Sinclair et al. (US Patent #6554707) discloses a system and method for interactive voice games.

Kasai et al. (US Patent # 6676523) discloses a video game where it synthesize voice messages in relation to the game play.

Best (US Patent #4445187) discloses video games with voice dialog for a two way voice conversation controlling the game.

Giaimo et al. (US Patent # 6928329) disclose a chat system for video games and a speech recognition engine for verbal commands.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cross whose telephone number is 571-272-5529. The examiner can normally be reached on 8-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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